

OCT 08 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal Action No. 7:05-cr-00060
)	
v.)	<u>2255 ORDER</u>
)	
MARTY BROWN,)	By: Hon. James C. Turk
Petitioner.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's motion for extension of time (docket #126) is **GRANTED**, petitioner's motion to amend (docket #127) is **GRANTED**, petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (docket #123, 124), is **DISMISSED** as untimely filed; petitioner's motion to direct the U.S. Probation Officer to correct the presentence report (docket #130) is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

ENTER: This 7th day of October, 2009.

[Signature]
Senior United States District Judge